



Board of County Commissioners - Staff Report

Subject: BUP2017-0059: Temporary Construction Storage and Staging South of Granite Ridge

Agent: Francesca Paolucci-Rice

Applicants: Teton Village Association ISD (TVA) and Four Shadows, LLC

Property Owner: Four Shadows, LLC

Presenter: Susan Johnson

REQUESTED ACTION

Basic Use Permit pursuant to Teton County Land Development Regulations (LDR) Section 8.4.1 for approval of a temporary use for a construction storage and staging area in what is referred to as the Granite Ridge site to be used for approved projects within all areas of the Teton Village Resort (Areas 1 and 2).

BACKGROUND/DESCRIPTION

PROPOSAL

Consideration of permitting of an existing 2.7-acre construction storage and staging area that has been previously approved by the Board of County Commissioners. The current basic use permit expires on January 19, 2018. The new proposal requests the continued use of the site for out of doors construction and staging activity to occur Monday through Saturday from 6:30 a.m. to 6:30 p.m. with no pets allowed on the site. The site is proposed to be used for a duration of four years for any approved construction project within Teton Village Area 1 or Area 2.

The area within the proposed construction storage and staging area for the Granite Ridge Site is part of the Teton Village Expansion Resort Master Plan, Area 2. This Master Plan permits temporary uses to occur as permitted through a Basic Use Permit on any parcel within Area 2 for construction and staging.

EXISTING CONDITIONS

Since 2001, the Granite Ridge site has been used for construction storage and staging in association with the construction of the Four Seasons Resort. It was regulated by a Temporary Use Permit in 2006 (TMP2006-0001) for a construction staging area for three years. No Temporary Use Permits were applied for or issued between 2009 and 2012; however, the area continued to be used for construction staging associated with numerous projects within Teton Village Area 1, as Area 1 lacks locations for construction storage and staging as several properties have been developed and redeveloped over the years.

In 2013, a Temporary Use Permit was approved for two more years (TMP2013-0002), which expired on October 1, 2015. This Permit was in association with the redevelopment of the Village Center (Caldera House), but the Permit allowed for the use of the site for any approved construction project within the Teton Village Resort area.

In 2015 Four Shadows, LLC applied for a Basic Use Permit (BUP2015-0065) for the continued use of the existing construction staging area in this location at the Granite Ridge site. Due to numerous public comments and concerns, the Planning Director, under LDR Section 8.2.9.C, chose to elevate the application to a decision by the Board of County Commissioners. On January 19, 2016, the Board approved the Basic Use Permit application, BUP2015-0065 with eight conditions. One of the conditions of approval required any application for renewal to be heard by the Board. All eight conditions of approval associated with BUP2015-0065 are as follows:

1. Electrical Permits shall be required prior to occupancy of any new trailers used on the site.
2. Use of the site is approved for any development project within Teton Village; Teton Village being defined as including all properties that are accessed directly or indirectly from the Teton Village County Road. The applicant shall submit to the County the contact information of all general contractors utilizing the site and any specific construction requirements of the project prior to commencement of construction.

3. The contractor shall control the disturbance limits by use of fencing materials, landscaping or berms to prevent the staging area from growing during the construction period.
4. If excavated materials are stored on the site, then a Grading and Erosion Control Permit shall be required.
5. The following construction related activities are permitted:
 - (i) storage of construction equipment, construction materials, and modular unit sections/storage containers for material and equipment storage;
 - (ii) placement of construction trailers serving as construction management offices or for material or equipment storage;
 - (iii) general construction staging;
 - (iv) masonry storage and work areas;
 - (v) soil and other materials stockpiles and screening;
 - (vi) placement of one or more dumpsters for construction refuse; and
 - (vii) placement of one or more trash containers for trash that is bear attractant.
6. The construction staging site shall be gated or chained and locked when not in use.
7. Hours of operation for out-of-doors activity are restricted to Monday through Saturday 7:00 a.m. to 6:30 p.m. Snow removal will have no restriction on the hours it may occur. These time restrictions shall not apply to parking (Monday through Sunday 6:30 a.m. to 6:30 p.m.) and administrative work performed within trailers on the site.
8. This Permit shall be in effect for two years from the date of approval and any request for renewal will be heard by the Board of County Commissioners.

The Board's decision to approve Four Shadows, LLC Basic Use Permit, BUP2015-0065, for the Granite Ridge site, was appealed by Christopher and Clare Phillips Tayback, who are neighboring property owners that own a home in the Cabins at Granite Ridge. The Board's decision to issue a two-year temporary permit for construction storage and staging was affirmed by the Ninth Judicial District Court, then further appealed by the Taybacks to the Wyoming Supreme Court. The Wyoming Supreme Court agreed with the District Court that the Board's approval of the temporary permit at the Granite Ridge site for two-years was in fact temporary and the Board's decision was not arbitrary or capricious or contrary to the law or the LDRs.

LOCATION

Within Teton Village Area 2, a 2.7-acre area generally located east of the Snake River Lodge and Spa and south of the Cabins at Granite Ridge and the Timbers at Granite Ridge, commonly referred to as the "Granite Ridge" site.

PIDN: 22-42-16-19-2-00-009

Site Size: 2.7-acre staging area on a 69.34-acre parcel

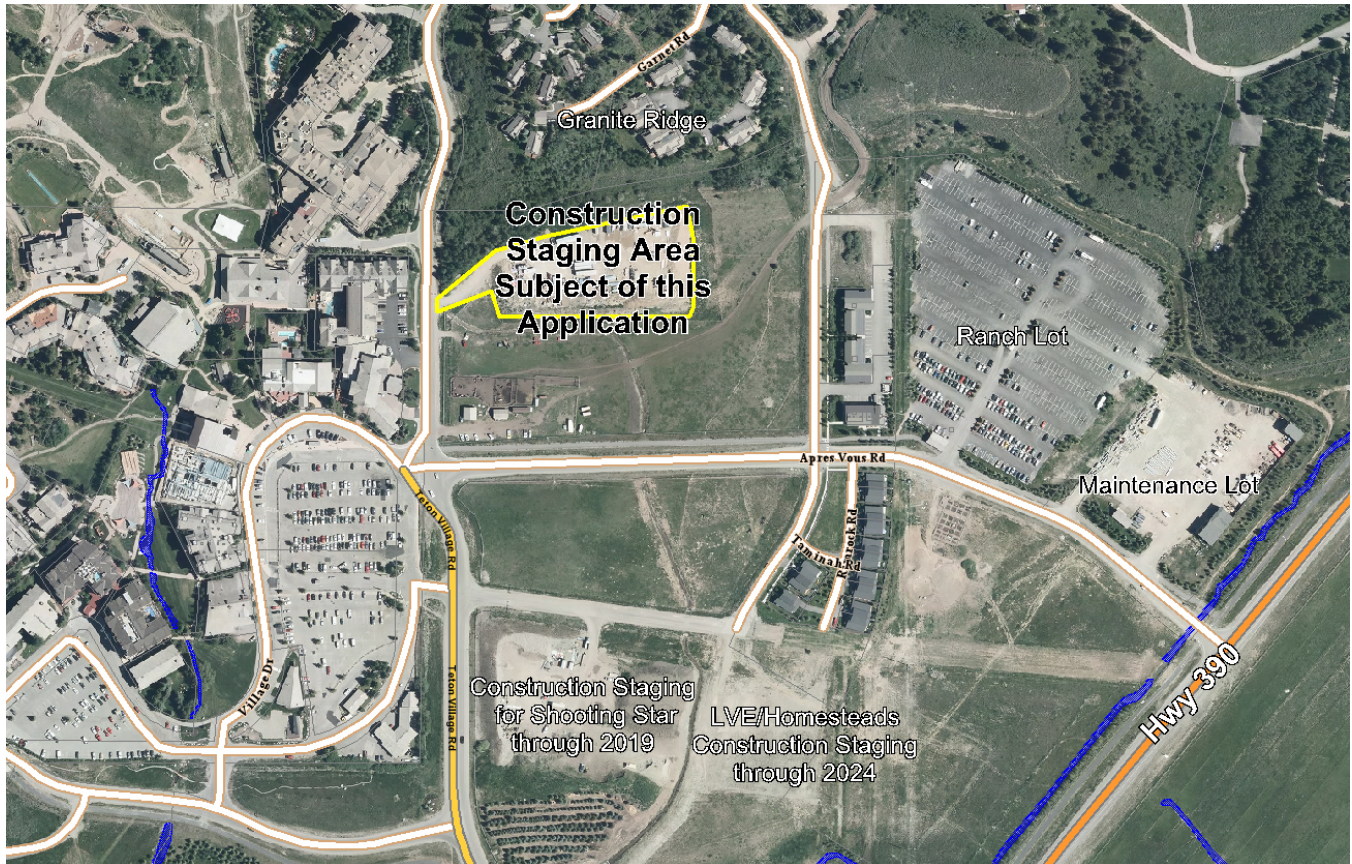
Character District: 13: Teton Village (Complete Neighborhood)

Subarea: 13.1: Teton Village Commercial Core (Transitional)

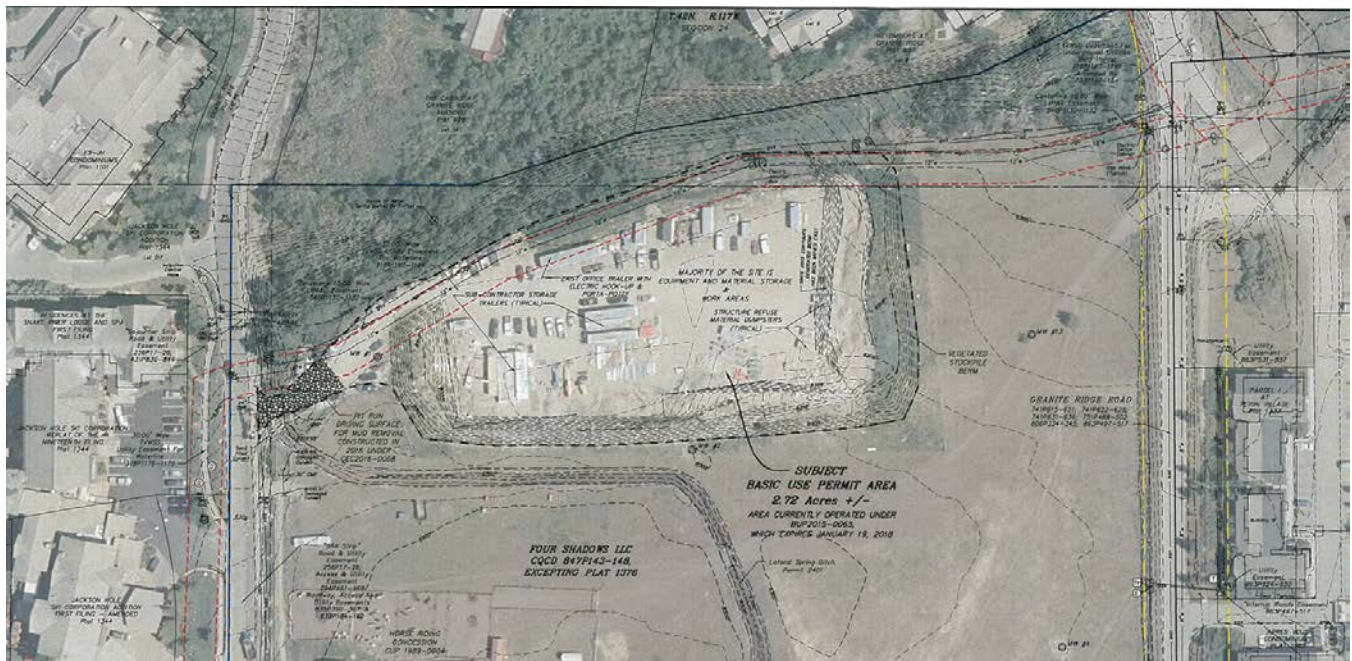
Zone: Planned Unit Development-Planner Resort (PUD-PR)

Overlay: Scenic Resources Overlay (SRO)

VICINITY MAP



SITE MAP



STAFF ANALYSIS

Staff reviewed the application for conformance with both the Teton Village Expansion Resort Master Plan for Area 2, as well as for conformance with all applicable LDRs, including, but not limited to Scenic Standards, Temporary Use Standards, and Operational Standards. A checklist review of the LDRs and other County Resolutions is attached.

The applicant is requesting this temporary use for a period of four years. The LDRs define a temporary use as a “use established for a fixed period of time.” In support of the request for a 4-year time period being requested, the applicant has provided a supplement to the application to demonstrate the need for construction staging, citing upcoming construction projects over the next four years. These include:

- Jackson Hole Mountain Resort --- Mountain improvements including lifts and various facilities (2018, 2019, 2020, 2021)
- Zaist Construction – Caldera House completion, plus improvements planned to Caldera property (2018, 2019)
- Shaw Construction–Granite Ridge lot (2018-2020)
- Dembergh Construction–Granite Ridge Lot (2018-2019)
- Lot 224/225 – for sale with anticipated development (Spring 2019 to 2022)
- Tract H – for sale with anticipated development (Spring 2019 to 2022)
- Lot 222 (Inn at Jackson Hole) remodel (2018-2019). Preapplication Conference Request received (PAP2017-0121). Applicant telephoned this project information to staff in a voice mail.

The timelines associated with most of the above-referenced projects correspond to a 2-year timeframe. Timelines for Lots 224/225 and Tract H-1 are very preliminary, and would need Sketch Plan approval by the Board in order to move forward. As discussed in the previous staff report for BUP2015-0065, an alternative option for the Board to consider is tying approval of the Basic Use Permit for temporary construction storage and staging to specific projects rather than allowing it for a particular time period. This would have likely benefitted the Caldera House project, for example, where this project took longer than anticipated and the 2015 approval would continue to be valid. However, it would likely not benefit the smaller residential construction associated with the Granite Ridge sites, for example, as these sites are generally shorter in duration than large commercial projects. If the Board is inclined to approve this Basic Use Permit for a certain duration of time, staff recommends a 2-year time period, with all of the same conditions as the previously approved Basic Use Permit (BUP2015-0065). The main differences between BUP2015-0065 and BUP2017-0059 are that the applicant is requesting a 4-year permit duration, and the applicant is also requesting to use the site Monday through Saturday from 6:30 a.m. to 6:30 p.m. when the current Permit restricts the use from Monday through Saturday 7:00 a.m. to 6:30 p.m. In order to mitigate impacts to neighboring property owners, staff recommends maintaining the 7:00 a.m. to 6:30 p.m. timeframe, as there have been no complaints associated with BUP2015-0065 during the past 2 years. The only comments received have been in association with neighbor notifications in review of this and other recent applications (in the east Haymeadow Lot) associated with Temporary Construction Storage and Staging Areas in Teton Village Area 2.

Other ways to mitigate neighborhood impacts are as follows:

Noise

Construction staging areas and storage yards by their nature are loud. There are large vehicles with back-up beepers, dump truck deliveries of gravel, front loaders, forklifts, etc. Aside from a reduction of hours of operation, it would be difficult to mitigate the noise associated with a construction staging area. These types of activities are a necessary part of construction. Berms and dense vegetation can provide somewhat of a noise buffer, but there is no way to berm from above to reduce the noise for the homeowners most affected by the construction staging

noise. Staff recommends a condition that no actual construction take place on the site, so the constant drone of power tools is not occurring.

Visual impacts

The applicant has done a good job of locating this construction staging area so the visual impacts are mitigated as viewed from Highway 390 and the main entrance to Teton Village. Berms screen it from the roadways where most people drive. Visual impacts would be difficult to impossible to mitigate from the properties perched above the Granite Ridge site. The best the applicant could do is to maintain a tidy construction staging area. Aside from the abundant mud (and presumed dust in the summer), the construction staging site appears to be configured in a logical manner and about as neat and tidy as possible. The mud was mitigated by the applicant by adding pit run to the entrance-exit area to bounce the mud off the vehicles prior to entering the roadway, which is still in place. This assists in maintaining cleaner roadways in Teton Village. Staff has not added any additional conditions to address mud, dust, and visual impacts.

The County Engineering Department has recommended requiring a surety associated with this temporary use for the cleanup and restoration of the temporary construction staging and storage area, pursuant to LDR Section 6.1.12.A.2.c. In response to the Engineering Department's comments, the applicant has provided an estimate for the reclamation of the site in the amount of \$38,167.50 (which is 125% of the estimate). Staff recommends a condition requiring the financial surety be provided to Teton County prior to issuing the Basic Use Permit.

PLANNING COMMISSION ANALYSIS

This application was not heard by the Planning Commission, as Basic Use Permits are generally an administrative decision made by the Planning Director; however, this permit is required to be taken to the Board in accord with Condition #8 of the approval of BUP2015-0065.

STAKEHOLDER ANALYSIS

DEPARTMENTAL REVIEWS

The application was sent to the following department for review. It was initially sent to Teton Village Association Improvement and Service District (TVAISD) for its review. However, the application was amended to include TVAISD as a co-applicant, therefore no comments were provided. The review is attached.

- Ted Van Holland, Teton County Engineering (Comment Attached)

PUBLIC COMMENT

Notice of this hearing was distributed to property owners within 1300 feet of the site on December 14, 2017. Notice of this hearing was posted on the site on January 2, 2018. As of the publishing of this report 4 comments have been received, 3 were written comments and are attached. One comment was received by phone from a neighbor in Granite Ridge who expressed concerns about trucks blocking traffic on Granite Loop Road while unloading. Staff spoke with Stan Zaist, the long-term contractor that uses this construction storage and staging area, who confirmed on very rare occasions an 18-wheeler cannot get into the yard, generally during the winter months when the conditions are slick or when the yard is full, but that the truck does not block Granite Loop Road. Staff would also note that Granite Loop Road has a second access, so even if the road did get temporarily blocked, there is always emergency access available on Granite Loop west of Teton Thai.

LEGAL REVIEW

Weisman

RECOMMENDATIONS

PLANNING DIRECTOR RECOMMENDATION

The Planning Director recommends **APPROVAL** of **BUP2017-0059**, a Basic Use Permit for temporary use of the Granite Ridge site area for a construction storage and staging area for approved projects within Teton Village Resort, Areas 1 and 2, for the application dated November 16, 2017 and revised December 14, 2017, subject to the 9 conditions recommended below, based on the findings recommended below.

PLANNING DIRECTOR RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to issuing the Basic Use Permit a surety in the amount of \$38,167.50 for site reclamation shall be provided to Teton County for site reclamation and restoration.
2. Electrical Permits shall be required prior to occupancy of any new trailers used on the site.
3. Use of the site is approved for any development project within Teton Village; Teton Village being defined as including all properties that are accessed directly or indirectly from the Teton Village County Road. The applicant shall submit to the County the contact information of all general contractors utilizing the site and any specific construction requirements of the project prior to commencement of construction.
4. The contractor shall control the disturbance limits by use of fencing materials, landscaping or berms to prevent the staging area from growing during the construction period.
5. If excavated materials are stored on the site, then a Grading and Erosion Control Permit shall be required.
6. The following construction related activities are permitted:
 - (viii) storage of construction equipment, construction materials, and modular unit sections/storage containers for material and equipment storage;
 - (ix) placement of construction trailers serving as construction management offices or for material or equipment storage;
 - (x) general construction staging;
 - (xi) masonry storage and work areas;
 - (xii) soil and other materials stockpiles and screening;
 - (xiii) placement of one or more dumpsters for construction refuse; and
 - (xiv) placement of one or more trash containers for trash that is bear attractant.
7. The construction staging site shall be gated or chained and locked when not in use.
8. Hours of operation for out-of-doors activity are restricted to Monday through Saturday 7:00 a.m. to 6:30 p.m. Snow removal will have no restriction on the hours it may occur. These time restrictions shall not apply to parking (Monday through Sunday 6:30 a.m. to 6:30 p.m.) and administrative work performed within trailers on the site.
9. This Permit shall be in effect for two years from the date of approval and any request for renewal will be heard by the Board of County Commissioners.

PLANNING DIRECTOR RECOMMENDED FINDINGS

Pursuant to Section 8.4.1.C of the Teton County Land Development Regulations, a basic use permit shall be approved upon finding the application:

1. Complies with the use specific standards of Div. 6.1. and the zone;

Can Be Made as Conditioned. As outlined in this attached checklist, the proposal complies with the use-specific standards of Division 6.1.12. and the use is permitted per the PUD-PR zoning, as outlined in Exhibit 4-2, Area Use Schedule, of the Teton Village Expansion Resort Master Plan for Area 2.

2. Complies with all other relevant standards of these LDRs and all other County Resolutions; and

Can Be Made. Staff finds that the application complies with all relevant LDRs pursuant to the attached LDR Review Checklist. No County Resolutions apply.

3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

Can Be Made. Staff finds that the application is in substantial conformance with the current Basic Use Permit (BUP2015-0065), with the exception of the following conditions of approval from BUP2015-0065, which the applicant has a right to request to be changed from the previous permit approval:

6. The construction staging site shall be gated or chained and locked when not in use. ***Applicant makes no mention of entrance being gated or chained in the application materials.***
7. Hours of operation for out-of-doors activity are restricted to Monday through Saturday 7:00 a.m. to 6:30 p.m. Snow removal will have no restriction on the hours it may occur. These time restrictions shall not apply to parking (Monday through Sunday 6:30 a.m. to 6:30 p.m.) and administrative work performed within trailers on the site. ***Applicant is requesting to use the site Monday through Saturday 6:30 a.m. to 6:30 p.m.***
8. This Permit shall be in effect for two years from the date of approval and any request for renewal will be heard by the Board of County Commissioners. ***Applicant is requesting approval of the application for a four-year term.***

ATTACHMENTS

- LDR Review Checklist
- Departmental Reviews
- Public Comments
- Amended
Application: <http://developmentrecords.tetonwyo.org/Planning/StatusReference?referenceNumber=BU P2017-0059>
- Exhibit 4-2, Area Use Schedule, from the Teton Village Expansion Resort Master Plan (Area 2)

SUGGESTED MOTION

I move to **APPROVE BUP2017-0059**, a Basic Use Permit for temporary use of the Granite Ridge site area for a construction storage and staging area for approved projects within Teton Village Resort, Areas 1 and 2, of the application dated November 16, 2017 and revised December 14, 2017, subject to the 9 conditions recommended by the Planning Director, being able to make all three (3) findings of Section 8.4.1. of the Teton County Land Development Regulations as recommended by the Planning Director.



LDR and Teton Village Master Plan Checklist

TETON VILLAGE MASTER PLAN

Exhibit 4-2: Area Use Schedule

Complies. Construction Storage/Staging is permitted as a Temporary Use in all areas within Teton Village Area Two. There are no specific locations designated as construction staging areas within the Master Plan. There are no specific regulations pertaining to construction storage and staging areas in the Master Plan, therefore the standards defer to the LDRs.

APPLICABLE LAND DEVELOPMENT REGULATIONS

Division 5.3, Scenic Standards

5.3.1, Exterior Lighting Standards

Complies. Any exterior lighting shall comply with the requirement that any light source that exceeds 600 lumens shall be fully shielded, with no light emitted above the horizontal plane of the fixture, and the requirement that all light shall be contained entirely on site.

5.3.2, Scenic Resources Overlay Standards

Complies. The proposed Temporary Use is located as far from Highway 390 as possible with berms in place to screen the construction staging site from the highway and the entrance road to Teton Village.

Division 5.5, Landscaping Standards

Not applicable. There are no requirements or standards for landscaping associated with Temporary Uses.

Division 5.7, Grading, Erosion Control, and Stormwater Management

Complies as conditioned. The proposal was originally reviewed by the County Engineer's Office, who offered the following comments:

- The existing site seems appropriate for the continued use of construction support and staging. It is already disturbed and nearly self-contained by the large berms in place.
- There may be negative impacts to neighbors living on the hillside above who must suffer to some extent from noise and dust.
- If the BUP is approved it is prudent to require a surety for removing the sizeable berms and for proper reclaiming.

Staff is recommending conditions to mitigate impacts to neighboring property owners and recommends requiring a surety for reclamation.

Division 6.1.12, Temporary Uses

The proposal is for a Temporary Use for a construction staging area, which is permitted pursuant to the Teton Village Expansion Master Plan Table XII.

1. Definition. A temporary use is a use established for a fixed period of time.

2. Standards

- a. Entrance and Exit/Adequate Sight Distances.**
- b. Electrical and Sanitary Inspections.**
- c. Bond for cleanup and restoration.**

Complies as conditioned. The temporary use is being requested to be in effect for four years from the date of approval of the Basic Use Permit, which is a fixed period of time; although the site has been utilized as a temporary construction staging area for approximately 17 years (since 2001). Staff recommends limiting the Basic Use Permit to a two year term. The proposed entrance/exit to the site area is from Granite Loop Road, which has been found to provide adequate site distances during previous reviews. The proposed access drive was modified with a pit run driving surface to assist with mud removal from vehicles existing the site per the 2016 Grading and Erosion Control Permit (GEC2016-0008). One construction trailer is currently located on the site with sanitary facilities and

an approved electrical hook-up, which passed appropriate inspections prior to being used. Electrical Permits shall be required if additional trailers are installed. The County Engineer reviewed the cost estimate for reclamation of the temporary use, and staff recommends a condition requiring a surety at 125% of the cost estimate prior to issuing the Basic Use Permit.

Division 6.4, Operational Standards

Complies. Staff found the application in compliance with all applicable operational standards in the LDRs, as required. The storage of vehicles and equipment on a vacant property for temporary construction is permitted. The property is located in Conflict Priority Area 1, and bear-resistant trash containers are required. The applicant has indicated that dumpster(s) will be used for construction refuse and that a bear proof trash container will be used for all trash that is a bear attractant.

From: [Ted VanHolland](#)
To: [Susan Johnson](#); mturley@tetonvillagewy.org
Subject: RE: Granite Ridge Construction Staging Area
Date: Friday, December 01, 2017 5:05:02 PM

Susan,

From an engineering perspective, this existing site seems appropriate for the continued use of construction support and staging. It is already disturbed, and nearly self-contained by the large berms in place. It does make me wonder about the negative effects to those living on the hillside above, who must suffer to some extent from noise and dust (and despite any condition to mitigate those nuisances). Aerial photography shows that this use has taken place almost continuously since around 2000. It seems this location was most appropriate during the development of Granite ridge, but now is in the wrong neighborhood for Shooting Star West. This also brings in the issue of traffic for moving personnel and materials across the most central portion of the Village roadways. If properly phased, Shooting Star West seems to have adequate space for it's own staging.

In any case, I believe it is now prudent (if this BUP is approved) to require surety for removing the sizable berms and properly reclaiming.

Sincerely,

Ted Van Holland, P.E.
Teton County Engineering Department
tvanholland@tetonwyo.org
307-732-8581
307-413-1025

From: Susan Johnson
Sent: Friday, December 01, 2017 2:23 PM
To: Ted VanHolland <tvanholland@tetoncountywy.gov>; mturley@tetonvillagewy.org
Subject: Granite Ridge Construction Staging Area

As required by the Board of County Commissioners under the existing Basic Use Permit (BUP2015-0065), any subsequent permit for construction staging in this location is required to be reviewed and approved by the BCC. Please review the application recently submitted and provide me with any comments you may have by **Friday December 15, 2017**. I also attached the current permit.

PLEASE NOTE MY NEW EMAIL ADDRESS
sjohnson@tetoncountywy.gov

Susan Johnson
Planning Manager | Teton County Planning and Development
PO Box 1727 | 200 S. Willow St.
Jackson, WY 83001

307-733-3959

CORRESPONDENCE, INCLUDING E-MAIL, TO AND FROM EMPLOYEES OF TETON COUNTY IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS, IS SUBJECT TO THE WYOMING PUBLIC RECORDS ACT AND MAY BE DISCLOSED TO THIRD PARTIES.

From: [Jeff Daugherty](#)
To: [Susan Johnson](#)
Cc: [Gillian Chapman](#)
Subject: Construction Staging
Date: Wednesday, December 27, 2017 10:00:51 AM

Susan,

I have reviewed the letter from Mr. Sullivan regarding construction staging at the Village. While I am empathetic to his concerns, I felt obligated to write to you and state TCSD concerns with relocating the staging area to the Exaction Parcel. I would urge you to remove this parcel for consideration as a construction staging area.

As you know, TCSD has written the BCC and requested they obtain deed to the property and convey a portion of it to the School District. As you also know, TCSD has begun preliminary design work for future school facility needed to relieve a coming swell in middle and high school enrollment. That process has made considerable progress. Indeed, just last week I reviewed final revisions to deed language.

As TCSD's interest in and need for the property is real and apparent, it would be inappropriate to allocate this parcel as an alternative staging area for construction.

Moreover, if a portion of the site were allocated to construction staging area, there are inherent operational conflicts (noise, dust, vibration, etc) and safety concerns with having educational and constructions uses on the same parcel.

Additionally, much of the parcel is burdened by a conservation easement intended to protect a view shed. A smaller portion of the site is available for County and TCSD uses. Given that fact, TCSD is looking at school designs that are mindful and responsive to the aesthetic protections associated with the parcel. To place construction staging on this parcel frustrates or substantially undermines the scenic protections placed on the parcel. Every visitor and property owner will have their sense of arrival diminished if construction staging is allowed on this parcel. While I have not recently reviewed the easement language, I suspect such use would violate the express language but it certainly violates the intent of the easement.

The present location, despite the understandable and regrettable frustrations to Mr. Sullivan, is the most discrete available. Perhaps the developer could be asked to substantially increase mature plantings at the existing staging area to mitigate the impacts to adjacent owners through screening.

Please let me know if you have questions or if I can be of any assistance to you.

Happy New Year!

Best Regards,

Jeff Daugherty
Assistant Superintendent.



December 12, 2017

Ms. Susan Johnson
Teton County Principal Planner
200 S. Willow Street
P. O. Box 1727
Jackson, WY 83001

RE: Temporary Use for Construction Staging
On Four Shadows LLC Property
South of Granite Ridge an East of Snake River Lodge

Dear Susan:

I am a homeowner at 3167 Garnet Road Teton Village, Wyoming. I am writing to stop the temporary use permit by Jorgensen which expires on January 19, 2018. This area has been in continual use for decades. The construction equipment and staging is a nuisance to our living at our house and detriment to the value of our home.

I do not understand why this permanent staging and construction can be allowed to continue under the guise of a temporary use. I do not believe that our quiet enjoyment of our house should be subjected to constant disruption and unsightliness.

Thank you,

A handwritten signature in blue ink, appearing to read "Walker Mathews", with a stylized flourish at the end.

Walker Mathews.



MARK D. SULLIVAN, P.C.
LICENSED IN WYOMING & NEW YORK
5237 HHR RANCH ROAD
WILSON, WYOMING, 83014
P. 307.733.2021 . F. 307.732.9807
EMAIL: MARK@MDSLAWOFFICE.COM

December 26, 2017

Tyler Sinclair
Susan Johnson
Teton County Planning & Development
PO Box 1727
Jackson, WY 83001
tsinclair@tetonwyo.org
sjohnson@tetonwyo.org

Re: Four Shadows, LLC Granite Ridge Construction Storage and Staging

Dear Tyler and Susan:

I hope that this letter finds you well. I write on behalf of my clients Christopher Tayback and Clare Phillips Tayback concerning the Basic Use Permit application submitted to your Department by Bill Resor on behalf of Four Shadows, LLC, BUP2017-0059. The application seeks to renew, again as a "temporary use," the permit for a construction staging and storage area known as Granite Ridge. As you know the Taybacks' cabin borders the site in question, which has now been in "temporary use" as a construction storage and staging area for more than 16 years.

As you are well aware, this site was the subject of a legal challenge when the Board of County Commissioners approved the previous renewal application, BUP2015-0065. My clients fought the application before the County Commissioners, filed an appeal from the permit issuance with the District Court, and appealed the adverse decision of that court to the Wyoming Supreme Court.

While the Taybacks' appeals failed, the reasons for their opposition to this use have not changed and their commitment to stopping it has not flagged. The use is not a temporary one under any definition and the applicant has other locations that would be better suited to this use. It should, at long last, be moved.

We hope that you will consider the following as you weigh this application and prepare a staff report for the Board of County Commissioners' consideration.

I. Four Shadows Has Still Not Evaluated Alternatives

One major issue in the prior permit renewal, and the ensuing litigation, was whether the applicant had an obligation to evaluate alternatives. It was your staff's recommendation in 2015 that the applicant should, if at all possible, move the

construction staging use to another location, since the neighbors had already endured 14 years of severe disruption. Your Staff Report stated, under the “Key Issues” heading: “If there is another location farther from existing residential areas where construction staging can occur, then it should be considered as an option to the site below Granite Ridge that has been used as a temporary construction staging area for 14 years.” I hope that this remains your staff’s view of this use.

Unfortunately, two years ago the applicant was not required by Board of County Commissioners to meaningfully evaluate alternatives. Chairman Newcomb did state at the hearing that the question of alternative locations “could certainly come up in the future.” Transcript at 16. But, it was not given much if any attention by the Board at that time. Instead, the applicant’s representatives made cursory, unfounded, and ultimately flatly untrue claims that no alternative locations were available.

We had demonstrated, both in written submissions, and at hearings before the Board of County Commissioners, that there were alternatives available. In particular, we recommended that the applicant could easily expand the existing Hay Meadow staging area to the east and the southeast, thus consolidating construction staging in one location and sparing the neighbors that have long suffered from the Granite Ridge location.

The applicant’s response was that those areas were not feasible for a variety of reasons that did not stand up to scrutiny. The applicant’s representative claimed that those areas would place the staging area “against what is year-round affordable housing with – and we counted yesterday, there are 18 small children that live in these homes.” Transcript at 15. A claim was also made that an existing ditch bordering the Hay Meadow lot precluded expanding the site to the east.

Those reasons did not prove to be an obstacle after all, as the applicant’s own subsequent actions demonstrated. In brazen fashion, within weeks of the Board of County Commissioners’ approval of the Granite Ridge permit, Four Shadows turned the very same area into a vast, unpermitted construction staging area. This area was first used for construction of the new gondola, then for the construction of new water lines to serve snow making equipment – all without a permit from the County.

My complaints about the matter, addressed to the Board of County Commissioners, prompted no action at all by the County. Four Shadows’ attorney claimed that it was for the public good, and in any event merely temporary, and the County did not respond.

Now, two years later, those areas have not just persisted, they have been expanded, and, this past summer, Four Shadows applied for and received two more permits for construction staging. BUP2017-032 applies to the “northern half” of this same area, and serves as staging for affordable housing and employee housing that is underway. And, BUP2017—0041 applies to the “southern half” of that same area,

and is currently being used for construction staging for the Lower Valley Energy transmission line project, which is expected to be complete in July 2018.

The current bare-bones application seeking to renew the Granite Ridge Basic Use Permit makes no attempt at all to establish that there are no alternatives. While the Court has determined that an alternatives analysis is not required by law, I hope that you and your staff can see that as a matter of fairness to the Taybacks and their neighbors, and as a matter of good planning, an alternatives analysis should be performed and, if possible, this noxious use moved.

Such an analysis, I would hope, should start with the applicant being required to prepare a construction staging plan. We recommended this in 2014 as well, and received no response at all from the applicant, and no consideration of this request by the County Commissioners.

A staging plan would identify and project likely construction projects and time periods, and from that project staging needs. This is commonly done in tight urban settings and it would be entirely reasonable that the applicant be asked to do so. It could be prepared in conjunction with the current Master Plan revisions that are under review, and may well conclude that there are sufficient areas for staging, without using the Granite Ridge site.

Currently, there has been no showing that the Granite Ridge site is even needed. With the addition of two more staging areas adjacent to the Hay Meadow site, there are now 6 construction staging areas in Teton Village. It seems only reasonable and fair for the applicant to carefully evaluate its needs going forward, and prepare a detailed construction staging plan. That plan would then help your Department evaluate the need for Granite Ridge, and the possibility of locating adequate staging areas in other locations.

II. Alternatives Are Available

A. Within Four Shadows' Land

It remains true that there are alternatives available to the applicant within the large land area owned by Four Shadows, LLC. First, it is entirely possible that the areas that have now been permitted, east and southeast of the prior Haymeadow staging area, can be either enlarged, or optimized, and used in lieu of the Granite Ridge site. We can only know this if a comprehensive construction staging plan is prepared.

Furthermore, The very same areas we have previously identified, within Teton Village Area 2 or on adjacent lands owned by Four Shadows, remain available to the applicant. The areas on the southernmost and easternmost portions of the two Four Shadows, LLC properties, remain open and available and we know of no current plans for development of those areas.

Previously, the applicant had claimed that the cost of creating new staging areas was prohibitive. That false claim has been laid bare by the applicant's sudden, unpermitted expansion of the Hay Meadow lot. Any claim by the applicant that cost precludes turning these areas into storage and staging areas, should be received with a healthy dose of skepticism, given the applicant's previous actions.

The applicant had also previously asserted that some of these areas cannot be used for storage and staging because they fall outside of the Teton Village Master Plan Area 2, and are located within the rural R-1 Zone, designated for agricultural uses. However, in their now-approved application to enlarge the Haymeadow site, BUP2017-0032, the applicant sought to use a portion of the R-1 Zone, outside of Teton Village Master Plan Area 2, for that staging area. The application stated:

The Use Schedule for the R-1 Zone, does not list construction storage and staging as an allowed use; however, temporary shelters and temporary gravel extraction are allowed uses, if approved under a Basic Use Permit application. Section 6.1.2E of the County Land Development Regulations (LDRs) allows for a use not specifically listed in a Use Schedule to be considered an allowed use if the Planning Director determines the proposed use sufficiently similar to one of the uses defined in that Use Schedule....

We believe that the use of the subject 30' wide strip for temporary construction storage and staging is consistent with the allowance for temporary shelter and temporary gravel extraction use, and request a similar use determination.

See BUP2017-0032 application at pages 2-3. Therefore, by the applicant's own logic, the areas zoned R-1, under the applicant's control, can be used for construction staging and storage if your department issues a similar use determination. We ask that these lands, particularly the area between existing workforce housing and the now-permitted BUP-2017-0032 on the west, and Highway 390 on the east (particularly the "exaction parcel" ultimately slated for a regional park, school or open space), be considered a good alternative for "temporary" construction storage and staging.

B. On Adjacent Lands Controlled by the Resor Family

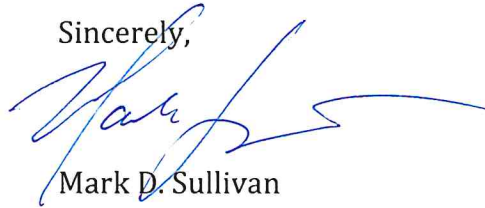
The Resor family furthermore controls vast areas of land beyond Teton Village Area 2. This includes lands east of Highway 390, and also south of the Shooting Star golf course, which are held by the Resor-controlled entity Snake River Associates. Given the logic set forth in the BUP2017-0032 application, there is no reason that these areas, zoned R-1, cannot be used for construction storage and staging benefitting Teton Village. The community would enjoy all of the benefits of having construction storage and staging for Teton Village (reduced traffic on

Highway 390), while the impacts would be minimal, as these areas are remote from any existing housing. We ask that these areas be considered viable alternatives as well.

* * * *

Granite Ridge has now been in "temporary" use as a construction staging area for more than 16 years. We ask respectfully that your Department give this application a very hard look, and that you require the applicant to conduct a thorough examination of the many alternatives available to it.

Sincerely,



Mark D. Sullivan

Cc: Matt Turner
Erin Weisman



JORGENSEN

It's About People, Trust and Know How

PO Box 9550 · 1315 HWY 89 S., Suite 201
Jackson, WY 83002
PH: 307.733.5150
www.jorgeng.com

December 14, 2017

Ms. Susan Johnson
Teton County Principal Planner
HAND DELIVERED

RE: Amendment to Basic Use Permit Application BUP2017-0059
For Temporary Use for a Construction Storage and Staging Area
On Part of Property Owned by Four Shadows LLC,
South of Granite Ridge and East of the Snake River Lodge and Spa
(Application for re-permitting of use currently under BUP2015-0065, which expires January 19, 2018)
Jorgensen Associates, P.C. Project No. 06095.81.31
SUBMITTAL OF AMENDED APPLICATION

Dear Susan,

On behalf of Four Shadows LLC, and the Teton Village Improvement and Service District, I am submitting an amendment to the application for Basic Use Permit 2017-0059 now being processed by your office. The changes to the application are the addition of the Teton Village Improvement and Service District as co-applicant, and a change in the Four Shadows LLC contact information. In addition based on technical review comments, I have included a cost estimate for site reclamation and a draft of the financial assurance agreement. Requested information on potential projects that will use the site in addition to those of Zaist Construction will be submitted to you in the near future.

Attached for your consideration are the following.

1. amended Basic Use Permit Application Form;
2. authorization from the Board of Directors of Teton Village Association Improvement and Service District for Jorgensen Associates, P.C. to act as their agent for this application;
3. amended attachment to Basic Use Permit Application Form with narrative statement addressing findings for approval and an explanation of the application request;
4. site reclamation cost estimate; and
5. financial assurance agreement draft.

I have not included:

- copies of the Four Shadows LLC organization documents as proof that Barbara Hauge is authorized to sign the application for that entity because those documents have been submitted to the County with numerous other recent applications;
- a copy of the site plan because that has not been revised since the initial submittal; and
- a copy of the deed record information because that has not changed since the initial submittal.

Digital copies of the attached will be delivered to you by e-mail later today. Please contact me should you have any questions or need additional information.

As stated in the original submittal letter, the application conforms to all standards and conditions of the LDRs. In addition, it benefits the broader community by reducing daily traffic overall and lowering the number of repeated trips for materials delivery or dirt hauling on Highways 390, 22, and south 89. Such significant trip reduction through consolidated storage directly benefits area residents by reducing traffic congestion, as well as helping reduce wildlife mortalities year-round. Onsite storage for lumber, steel, stone, and other building materials allows fewer, larger deliveries. Heavy equipment storage within Teton Village reduces the number of trips to and from

the village by fork lifts, loaders, etc. Storage for subcontractors' tool and parts trailers reduces trip to town and allows more transit use or carpooling by workers. Additionally, excavated material (stumps, boulders, and dirt) removed from Teton Village sites and stored within the village means fewer trips to contractor yards, many of which are south of Town. With Village staging, those materials are stored and sorted and used over time. Some materials (large boulders and topsoil) are returned to the construction site for final grading. Other materials are stored and used, mostly in the fall, within a 3-mile radius of the Village, such as smaller boulders and stumps for irrigation structures or habitat improvements.

If this permit is not renewed, there will be more traffic on Highways 390 and 22, particularly for large trucks and heavy equipment. It would also mean more use of Teton Village residential roads and designated village parking areas for construction purposes, increasing disruption for both the commercial and residential areas.

Thank you for your assistance.

Best Regards,
JORGENSEN ASSOCIATES, PC


Francesca Paolucci-Rice

Enclosure

cc: Four Shadows LLC – Barbara Hague; TVA – Melissa Turley



AMENDED BUP2017-0059
PLANNING PERMIT APPLICATION
Planning & Development Department
Planning Division

200 S. Willow St. | ph: (307) 733-3959
P.O. Box 1727 | fax: (307) 739-9208
Jackson, WY 83001 | www.tetonwyo.org

For Office Use Only

Fees Paid _____
Check # _____ Credit Card _____ Cash _____
Application #s _____

PROJECT.

Name/Description: Re-Permitting Temporary Use for Construction Storage & Staging Now Under BUP2015-0065
Physical Address: 7715 Granite Loop Road (East of Snake River Lodge and South of Granite Ridge)
Lot, Subdivision: N/A PIDN: 22-42-16-19-2-00-009

OWNER. Four Shadows LLC; Applicants: Four Shadows LLC and Teton Village Association Improvement and Service District ("TVA")

Name: 1. Four Shadows LLC & 2. TVA Phone: 1. 307-699-2000 2. 733-5898
Mailing Address: 1. 5700 Snake River Ranch Rd. Wilson, WY 2. P.O. Box 866 Teton Village, WY ZIP: 1. 83014 2. 83025
E-mail: 1. haugebar@cs.com 2. mturley@tetonvillagewyo.org

APPLICANT/AGENT.

Name: Jorgensen Associates, P.C. attn: Francesca Paolucci-Rice Phone: 307-733-5150
Mailing Address: P.O. Box 9550 Jackson, WY ZIP: 83002
E-mail: Francesca Paolucci -Rice: fpr@jorgensenassociates.com / Thomas Kirsten: tkirsten@jorgensenassociates.com

DESIGNATED PRIMARY CONTACT.

☐ Owner ☒ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; see Fee Schedule for applicable fees.

Use Permit

☒ Basic Use
☐ Conditional Use
☐ Special Use

Physical Development

☐ Sketch Plan
☐ Development Plan

Interpretations

☐ Formal Interpretation
☐ Zoning Compliance Verification

Relief from the LDRs

☐ Administrative Adjustment
☐ Variance
☐ Beneficial Use Determination
☐ Appeal of an Admin. Decision

Development Option/Subdivision

☐ Development Option Plan
☐ Subdivision Plat
☐ Boundary Adjustment (replat)
☐ Boundary Adjustment (no plat)

Amendments to the LDRs

☐ LDR Text Amendment
☐ Zoning Map Amendment
☐ Planned Unit Development

PRE-SUBMITTAL STEPS. Pre-submittal steps, such as a pre-application conference, environmental analysis, or neighborhood meeting, are required before application submittal for some application types. See Section 8.1.5, Summary of Procedures, for requirements applicable to your application package. If a pre-submittal step is required, please provide the information below. If you need assistance locating the project number or other information related to a pre-submittal step, contact the Planning Department. **If this application is amending a previous approval, indicate the original permit number.**

Pre-application Conference #:	N.A.	Environmental Analysis #:	N.A.
Original Permit #:	TMP 2013-0002; BUP2015-0065*	Date of Neighborhood Meeting:	N.A.

*See Also GEC2016-0008

SUBMITTAL REQUIREMENTS. One copy of the application package (this form, plus all applicable attachments) should be submitted to the Planning Department. The initial application submittal may occur electronically, but one hard copy of all materials is required for an application to be found sufficient. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant.

Have you attached the following?

- ☒ **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.
- ☒ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.
- ☒ **Response to Submittal Checklist.** All applications require response to applicable review standards. These standards are outlined on the Submittal Checklists for each application type. If a pre-application conference is held, the Submittal Checklists will be provided at the conference. If no pre-application conference is required, please see the Administrative Manual for the applicable Checklists. The checklist is intended as a reference to assist you in submitting a sufficient application; submitting a copy of the checklist itself is not required.

FORMAT.

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions. The submittal checklists are intended to identify applicable LDR standards and to outline the information that must be submitted to sufficiently address compliance with those standards.

For some submittal components, minimum standards and formatting requirements have been established. Those are referenced on the checklists where applicable. For all other submittal components, the applicant may choose to make use of narrative statements, maps, drawings, plans and specifications, tables and/or calculations to best demonstrate compliance with a particular standard.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering. **FOUR SHADOWS LLC, OWNER**

Barbara T. Hauge
Signature of Owner or Authorized Applicant/Agent

By: Barbara T. Hauge

Name Printed

6 Dec 2017

Date

Manager of Four Shadows LLC

Title

Signature N/A - see letter of authorization

By: Melissa Turley

Executive Director of TVA

Planning Permit Application

Francesca Paolucci-Rice
By: Francesca Paolucci-Rice for Jorgensen Associates, P.C.,
Agent for TVA

Effective 01/01/2015

13 December 2017

Letter of Authorization

The Teton Village Association Improvement and Service District, a Wyoming improvement and service district, (the "TVA") hereby authorizes Jorgensen Associates, P.C, a Wyoming professional corporation, to act as its agent and to represent and act for it to amend the application for Teton County Basic Use Permit BUP2017-0059 (for a temporary construction storage and staging area located on property owned by Four Shadows LLC, a Wyoming limited liability company, east of the Snake River Lodge and Spa and south of the Cabins at Granite Ridge and the Timbers at Granite Ridge ("the Amended Application") to add the TVA as a co-applicant to Four Shadows LLC, the original applicant, and to receive and accept any permits, zoning interpretations, amendments or zoning compliance verifications Teton County, Wyoming may issue with respect to the Amended Application (the "Determinations"). TVA shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in the Amended Application prepared by Jorgensen Associates, P.C. and submitted to Teton County, Wyoming, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such Amended Application. TVA acknowledges and agrees that it shall be bound and shall abide by the written terms or conditions of issuance of any such Determinations, whether actually delivered to them or not.

The grant of this letter of authorization is executed by Jerry Blann in his capacity as Treasurer of the Board of Directors of the TVA and such action has been approved by the Board of Directors of the TVA.

Dated this 8th day of December, 2017.

Teton Village Association Improvement and Service District,

By: Jerry Blann
Jerry Blann, Board Treasurer

STATE OF Wyoming)
)
COUNTY OF Teton)



The foregoing Letter of Authorization was executed before me by Jerry Blann, who is personally known to me to be the Treasurer of the Board of Directors of the Teton Village Association Improvement and Service District and to have acted as the free act and will of the Teton Village Association Improvement Service District.

[Signature]
Notary Public

My commission expires: Feb 10th, 2021

CORRECTIVE QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **Wolf Mountain LLC**, a Wyoming limited liability company, and **Four Shadows LLC**, a Wyoming limited liability company, collectively GRANTORS, for Ten Dollars (\$10.00) and other valuable consideration in hand paid, receipt of which is hereby acknowledged, convey and quitclaim unto **Four Shadows LLC**, a Wyoming limited liability company, with a mailing address of 5700 Snake River Ranch Road, Wilson, Wyoming 83014, GRANTEE, the following-described real property situated in the County of Teton, State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming, to-wit:

See Exhibit A attached hereto and by this reference incorporated herein.

Including and together with all and singular the tenements, hereditaments, appurtenances and improvements thereon or thereunto belonging, but subject to taxes, reservations, covenants, conditions, restrictions, rights-of-way, and easements of sight or record, if any.

This Corrective Quitclaim Deed is given solely for the purpose of correcting the legal description in that certain Quitclaim Deed recorded as Instrument No. 0832587 on March 28, 2013 in the Office of the Teton County Clerk, Teton County, Wyoming, in Book 839, Pages 180-183.

WITNESS my hand this 25th day of June, 2013.

RELEASED	
INDEXED	
ABSTRACTED	
SCANNED	

GRANTOR: WOLF MOUNTAIN LLC ET AL
GRANTEE: FOUR SHADOWS LLC
Doc 0839030 bk 847 pg 143-148 Filed At 11:29 ON 06/27/13
Sherry L. Daigle Teton County Clerk fees: 23.00
By Mary Smith Deputy

Wolf Mountain LLC, a Wyoming limited liability company

By: [Signature]
William B. Resor, Manager

By: [Signature]
Barbara T. Hauge, Manager

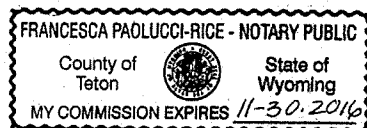
STATE OF WYOMING)

) ss.

COUNTY OF TETON)

The foregoing Quitclaim Deed was acknowledged before me by William B. Resor, as a Manager of Wolf Mountain LLC, a Wyoming limited liability company, this 25th day of June, 2013.

WITNESS my hand and official seal.



[Signature]
Notary Public
My commission expires: 11-30-2016

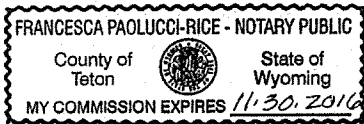
STATE OF WYOMING

)
) ss.
)

COUNTY OF TETON

The foregoing Quitclaim Deed was acknowledged before me by Barbara T. Hauge as a Manager of Wolf Mountain LLC, a Wyoming limited liability company, this 25th day of June, 2013.

WITNESS my hand and official seal.



Francesca Paolucci-Rice
Notary Public
My commission expires: 11-30-2016

Four Shadows LLC, a Wyoming limited liability company

By: William B. Resor
William B. Resor, Manager

By: Barbara T. Hauge
Barbara T. Hauge, Manager

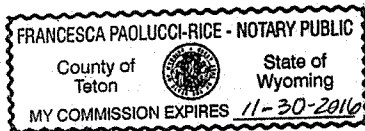
STATE OF WYOMING

)
) ss.
)

COUNTY OF TETON

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WITNESS my hand and official seal.



Francesca Paolucci-Rice
Notary Public
My commission expires: 11-30-2016

STATE OF WYOMING

)
) ss.
)

COUNTY OF TETON

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WITNESS my hand and official seal.



Francesca Paolucci-Rice
Notary Public
My commission expires: 11-30-2016

ATTACHMENT TO
BASIC USE PERMIT APPLICATION

Preparation Date: November 16, 2017; Amended December 13, 2017

Project Description:

Re-permitting of a Temporary Use for a construction storage and staging area for any development project within the Area One PUD (historic Teton Village) or the Area Two PUD (Teton Village Expansion) of the Teton Village Planned Resort Zone.

The use was previously permitted under Temporary Use Permit, TMP2013-0002, which expired on October 1, 2015, and is currently under Basic Use Permit, BUP2015-0065, which expires January 19, 2018.

Permit Area Location:

a 2.72 +/- acres parcel that is located in the Village Core as designated in the Master Plan for the Area Two PUD of the Teton Village Planned Resort Zone. As shown on the accompanying site plan map, the area is part of a larger tract owned by Four Shadows LLC, and is south of Granite Ridge and east of the Snake River Lodge and Spa development within Government Lot 3, Section 24, T.42N., R.117W.

Owner: Four Shadows LLC, a Wyoming limited liability company

Applicants: Four Shadows LLC, a Wyoming limited liability company, and
Teton Village Association Improvement and Service District, a
Wyoming improvement and service District

Prepared By: Jorgensen Associates, P.C. Project No. 06095.81.31

DEED & OWNERSHIP INFORMATION

The approximately 2.72 acres parcel proposed for Temporary Use as a construction storage and staging area under the subject application is a part of a larger tract owned by Four Shadows LLC, which is last described in the public record in the Corrective Quitclaim Deed in the Office of the Clerk of Teton County, Wyoming in Book 847 of Photo, pages 143-148, EXCEPTING therefrom Shooting Star West, a subdivision or record in the Office of the Clerk of Teton County, Wyoming as Plat 1376. (See attached copies).

STATEMENT ADDRESSING APPLICABLE FINDINGS FOR APPROVAL

1. COMPLIANCE WITH USE SPECIFIC STANDARDS OF LAND DEVELOPMENT REGULATIONS DIVISION 6.1, ALLOWED USES AND THE ZONE

The area that is the subject of this application is located in the Village Core of the Area Two PUD of the Teton Village Planned Resort Zone.

Pursuant to Exhibit 4-2 Area Use Schedule of the Amended Master Plan for Area Two – Teton Village Expansion Planned Unit Development Planned Resort (PUD2002-0001) (hereinafter referred to as the Resort Master Plan) approved June 6, 2017, construction storage / staging is allowed as a Temporary Use in the Village Core of the Area Two PUD of the Planned Resort.

2. COMPLIANCE WITH OTHER RELEVANT STANDARDS OF THE LAND DEVELOPMENT REGULATIONS AND ALL OTHER COUNTY RESOLUTIONS

Compliance with Land Development Regulations Section 6.1.12 Temporary Uses, which states that all temporary uses shall comply with the following standards:

- a. Entrance and exit / adequate site distances. The entrance and exit locations shall have adequate site distances to ensure safe entry and exit based on the speed of the road, as specified in Division 7.6

The entrance-exit to the site area is from Granite Loop Road just south of its intersection with the south access to the Four Seasons complex. The entrance-exit drive is identical with that approved for and currently being use for this area under Basic Use Permit 2015-0065. Prior County analysis found that the site entrance- exit location has adequate site distances to ensure safe entry and exits.

- b. Electrical and sanitary inspections. The temporary use shall pass electrical and sanitary inspections before being opened to the public.

There will be no general public use of the site.

Currently there is one porta-potty on the site at the Zaist construction office trailer. Additional porta-potties will be provided on site if circumstances warrant.

The Zaist construction office trailer has an approved electrical hookup.

Any additional sanitary facilities placed on the site for construction trailers or electrical hookups installed for any purposes will pass appropriate inspections before being used.

- c. Bond. A bond, in a form acceptable to the County Attorney, for cleanup and restoration of the temporary use area shall be posted in an amount sufficient to restore the area to its prior condition or to the condition specified by reclamation standards in this Section.

Attached is a cost estimate for site cleanup and restoration, as well as a draft financial assurance agreement. An appropriate bond will be provided to the County upon approval of the estimate and application.

Compliance with Land Development Regulations Section 5.3.2 Scenic Resource Overlay (SRO) Standards:

The site is located in the Moose-Wilson Road Scenic Area. As required, all lighting will conform to standards established for the Scenic Resource Overlay. Views of the site from the Moose-Wilson Road, which is at least ¼ mile away, are screened by vegetated materials stockpile berms and intervening buildings and landscaping.

3. CONFORMANCE WITH ALL STANDARDS OR CONDITIONS OF ANY PRIOR APPLICABLE PERMITS OR APPROVALS.

The only permit now applicable to the site, Basic Use Permit, BUP2015-0065, which expires January 19, 2018; therefore, at the time of the granting of the Basic Use Permit for which this application is being made, the only conditions or standards that will apply to this site will be those imposed by that Basic Use Permit.

NARRATIVE DESCRIPTION OF THE USE

The area proposed for use under this permit is effectively the same as that currently being used under Basic Use Permit, BUP2015-0065, which expires on January 19, 2018.

As shown on the attached site plan, the proposed construction storage and staging area is located on a part of the Four Shadows LLC Tract that lies south of Granite Ridge and east of the Snake River Lodge and Spa development.

The site was originally graded for the above mentioned Temporary Use Permit, TMP2013-0002. A pit run driving surface to effect mud removal from vehicles exiting and entering the site was installed in 2016 under GEC2016-0008. No additional grading will be necessary for the renewal of the permit being requested by this application.

The applicants request that the renewal of the Basic Use Permit for this temporary construction storage and staging area be granted as soon as possible to allow for the continued use of the subject site for on-going Teton Village projects. It is anticipated that the buildout of Teton Village will take years to complete, and the use of this site for construction storage and staging is critical for the development projects associated with

that buildout; therefore, to save both County and the applicant's time and effort, the applicant requests that the County approve this permit for temporary use for a term of just over four (4) years, ending June 30, 2022, so that any change in use of the site will occur after a winter season.

The requested use of the site includes, but is not limited to:

- storage of construction equipment, construction materials, and modular unit sections
- placement of construction trailers serving as construction management offices or for material or equipment storage
- general construction staging
- masonry storage and work areas
- soil and other material stock piles and screening
- placement of one or more dumpsters for construction refuse
- placement of one or more bear proof trash container for trash that is bear attractant.

The temporary use will be operated under the following terms:

- DAYS OF WEEK AND HOURS OF DAY DURING WHICH OUT OF DOORS ACTIVITY WILL OCCUR ON SITE AND TIMING OF DELIVERIES
Monday through Saturday, 6:30 a.m. until 6:30 p.m.
- NOISE LEVELS FROM TOOLS, EXPLOSIVE DRIVEN FASTENERS AND RADIOS/STEREOS
No explosive driven fasteners, radios, or stereos will be allowed on the site. Noise levels from the use of tools or equipment will be kept to a minimum.
- LIGHTING
No exterior lighting will be used on the site except for exterior lights that have been or may be placed on construction trailers. Any such lights will meet Teton County Land Development Regulations for outdoor lighting.
- DUST AND TRASH CONTROL
 - Disturbed areas of the site will be watered as necessary to control dust.
 - There is currently no bear-proof container on site for bear attractant trash because all such trash is currently stored within the construction office trailers until it is hauled off-site. Should circumstances warrant, a bear-proof container will be provided.
 - Any mud or debris on roads within the Teton Village area from construction vehicles moving between construction sites and the construction storage and staging area will be swept up.
 - Trash and debris will be cleaned up on a regular basis.
- PARKING AND TRAFFIC CIRCULATION.
The parking and traffic circulation will vary during different stages of the

construction project. The site of 2.72 acres, more or less, will accommodate parking needs.

- **PET CONTROL**
No pets will be allowed on the site.
- **NAME AND CELL PHONE OF ON-SITE PERSONS RESPONSIBLE FOR COMPLIANCE:**
 1. Stan Zaist 307-690-1257
 2. Other names and phone numbers will be submitted to county when other contractors are authorized to use the site.

H:\2006\06095\81 Tmp Uses FS 2015+\31-S of GranRidge 2017\Docs\Application Base 2017 Tmp Use\3 AMENDED Attachment 2017 Basic Use Permit Temp Use FS S Granite Ridge 06095.81.31 v2.doc

ATTACHMENT TO

Amended Basic Use Permit Application (BUP2017-0059)

for

Temporary Use for a Construction Storage and Staging Area

on property of Four Shadows LLC

for Construction Projects within both the Area One PUD and the Area Two PUD of
the Teton Village Planned Resort Zone

Applicants: Four Shadows LLC and the

Teton Village Association Improvement and Service District

Jorgensen Associates, P.C. Project No. 06095.81.31

Prepared: December 13, 2017

SITE RECLAMATION COST ESTIMATE

Reclamation of berms and revegetation

Item	Unit	Quantity	Unit Price	Percent Complete	Extension
Grading stockpiles of fill and topsoil to reclamation finish grade	S. Yds.	3,938	\$3.00	0%	\$11,814.00
Mulching & Seeding	AC	2.72	\$6,000	0%	\$16,320.00
General Site Cleanup – 3 man crew including loader for 1 day	1	1	\$2,400	0%	\$2,400.00

Total Reclamation Cost \$30,534.00

125% of Estimate = Bond Amount = \$38,167.50

**TETON COUNTY, WYOMING
FINANCIAL ASSURANCE AGREEMENT
FOR SMALL ESCROW DEPOSITS**

For Office Use Only

Application #s _____

Amount of Assurance _____

Check # _____ Received By (initials) _____

PROJECT.

Name/Description: Basic Use Permit for Temporary Use Construction Storage & Staging, BUP 2017- 0059

Physical Address: N/A – east of Snake River Lodge and Spa and south of Granite Ridge

Lot, Subdivision: N/A – Part of Four Shadows LLC metes and bounds tract PIDN: 22-42-16-19-2-00-009

This Financial Assurance Agreement (“Agreement”) is entered into this _____ day of _____, 2018, by and between Four Shadows LLC, the owner of the project site and one of the developers of the site (“Owner and Developer”) and Teton County, Wyoming (“County”), and serves as receipt for the above noted Financial Assurance and as an agreement of the purpose and conditions for the Financial Assurance.

RECITALS

A. The County has the authority to collect and hold financial assurances pursuant to the Teton County Land Development Regulations (“LDRs”) as a condition for issuing a permit or in connection with the approval or a permit or application by the County for the Owner and Developer’s Project, Permit BUP2017-0059; and

B. The County requires the Developer or Owner to post a financial assurance for the Project, which must be free of defects for a period of two (2) years following completion and final inspection by the County, of which **reclamation of** the Project site is estimated to cost \$30,534.00; and

C. Based on the estimate provided by the Owner and Developer, the County has confirmed **the amount of the financial assurance to be \$38,167.50** (125% of the estimate given above) for this Project and requires the Developer or Owner to deposit that amount with the County, which shall be held by the County Treasurer for the County’s benefit and to guarantee completion or implementation of the work, improvements and/or mitigation approved as part of the Project.

NOW, THEREFORE, in consideration of the foregoing Recitals, and other good and valuable consideration, which are acknowledged, the parties agree as follows:

1. Completion and Warranty. Owner and Developer hereby agrees to complete the required site reclamation within six months of the expiration of the Basic Use Permit, BUP2017-0059, unless the project site is permitted for a similar use within that time frame, and shall warrant the work for two (2) years after completion and final inspection by the County of improvements or work.

2. Amount. Owner and Developer to guarantee the required mitigation provides County with a Deposit in the amount of \$38,167.50 pursuant to the requirements of the LDRs.

3. Duration. This deposit will be held by the County and shall not be released until the required action has been completed by the Developer or Owner and this financial assurance shall continue through the time of the warranty period, unless a partial or full release is authorized at an earlier date. This Agreement shall be in effect until the financial assurance is released by the County in accordance with this Agreement and the LDRs.

4. Remedies. All remedies to enforce this Agreement shall be available to the County pursuant to the LDRs and as otherwise are allowed by Wyoming law.

A facsimile or electronic duplicate of this Agreement or any signature shall be considered deemed an original.

IN WITNESS WHEREOF, the parties have signed this Agreement or caused it to be signed by their duly authorized officers the day and year first hereinabove set forth.

OWNER AND DEVELOPER:
FOUR SHADOWS LLC,
a Wyoming limited liability company

By: _____
Name: _____
Title: _____

Mailing Address:
5700 Snake River Ranch
Wilson, WY 83014

COUNTY:

TETON COUNTY, WYOMING

By: _____
Name: _____
Title: _____

H:\2006\06095.B1 Temp Uses FS 2015\1-5 of Granite Bridge 2017\CAD\06095.B1.31 EX Site Plan 2017 App Const Staging So. Gr Ridge.dwg

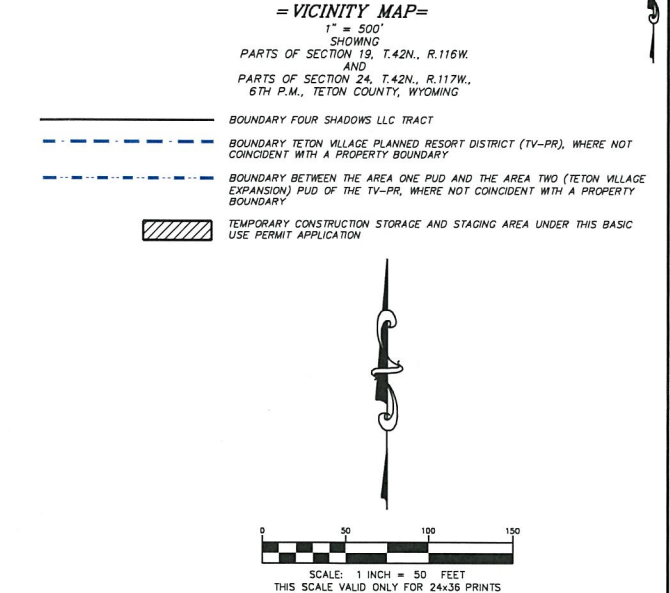
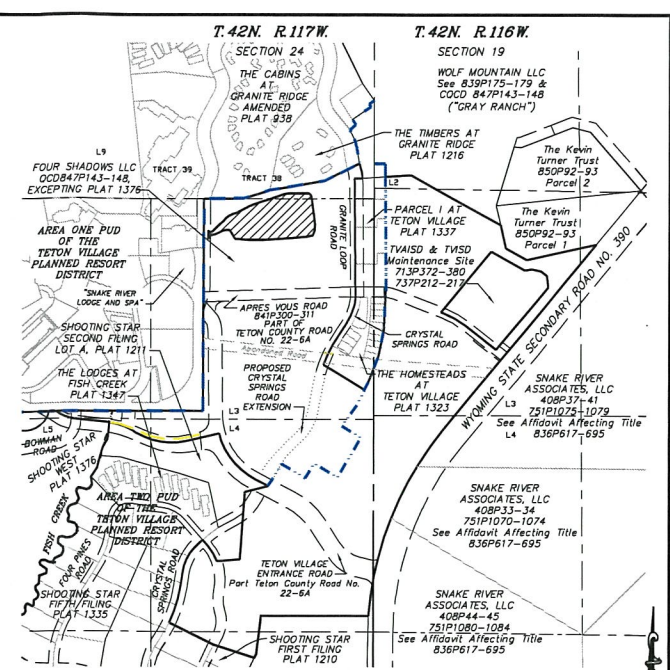


- LEGEND**
- Water Service
 - Water Valve
 - Fire Hydrant
 - Water Manhole
 - Monitoring Well With JA Designation Number
 - Sewer Manhole
 - Storm Drain Manhole
 - Storm Drain Inlet
 - Electric Transformer
 - Electric Vault
 - Electric Meter
 - Telephone Pedestal
 - Cable Television Pedestal
 - Television Vault
 - Miscellaneous Utility Vault
 - Light Post

- LEGEND**
- Boundary of Subject Four Shadows LLC Tract On Which Temporary Construction Storage And Staging Area Under This Basic Use Permit Located
 - Adjacent Lot Boundary
 - Road And Utility Easement Boundary
 - TWSD Utility Easement Boundary
 - Miscellaneous Easement Boundary
 - Miscellaneous Easement Centerline
 - Culvert; Invert Indicated Where Known
 - Water Line; Size Indicated Where Known
 - Sewer Line; Size Indicated Where Known
 - Underground Gas Line
 - Underground Miscellaneous Utility Line

- LEGEND**
- Miscellaneous Breakline
 - Edge Of Pavement
 - Edge Of Gravel
 - Top Of Bank
 - Toe Of Slope
 - Index Contour (5' Interval)
 - Intermediate Contour (1' Interval)
 - Boundary Construction Storage And Staging Area Under This Basic Use Permit

- NOTES**
- THE AREA PROPOSED FOR USE UNDER THE ACCOMPANYING BASIC USE PERMIT APPLICATION, WITH CERTAIN DISCREPANCIES, IS EFFECTIVELY THE SITE PREVIOUSLY USED AS A CONSTRUCTION STORAGE AND STAGING AREA UNDER TEMPORARY USE PERMIT, TMP2013-0002, WHICH EXPIRED OCTOBER 1, 2015, AND IS CURRENTLY BEING USED UNDER BASIC USE PERMIT, BUP2015-0065, WHICH EXPIRES JANUARY 19, 2018.
 - THE PHOTOGRAPHIC IMAGE SHOWN HEREON IS FROM 2017 TETON COUNTY AERIAL PHOTOGRAPHS AND DEPICTS THE SITE AT THE TIME THE PHOTO WAS TAKEN. CONTOURS SHOWN HEREON ARE FROM A 2015 SURVEY. LOCATIONS OF CONSTRUCTION STORAGE AND STAGING AREAS ON THE SITE WILL VARY OVER TIME. REFER ALSO TO THE ATTACHMENT TO THE ACCOMPANYING BASIC USE PERMIT APPLICATION FOR A NARRATIVE DESCRIPTION OF THE USES REQUESTED UNDER THE PERMIT AND THE TERMS OF THOSE USES.
 - NO EXTERIOR LIGHTING WILL BE USED ON SITE, EXCEPT FOR EXTERIOR LIGHTS THAT MAY BE PLACED ON CONSTRUCTION TRAILERS. LIGHTING ON CONSTRUCTION TRAILERS WILL COMPLY WITH TETON COUNTY LAND DEVELOPMENT REGULATIONS.
 - ONE PORTA-POTTY EXISTS ON THE SITE AT THE ZAIST CONSTRUCTION TRAILER. OTHERS WILL BE PROVIDED IF CIRCUMSTANCES WARRANT THEIR USE.
 - THERE IS NO BEAR PROOF TRASH CONTAINER ON THE SITE FOR TRASH THAT WOULD BE ATTRACTIVE TO BEARS; ALL BEAR ATTRACTANT TRASH IS HAULED OFFSITE FROM CONTAINERS WITHIN THE OFFICE TRAILERS.
 - DUMPSTERS FOR CONSTRUCTION REFUSE ARE LOCATED ON THE SITE.
 - NO NEW GRADING IS REQUIRED FOR THE PROPOSED USES.



SITE PLAN TO ACCOMPANY BASIC USE PERMIT APPLICATION FOR A TEMPORARY USE FOR CONSTRUCTION STORAGE & STAGING FOR ANY PROJECT WITHIN THE AREA ONE PUD OR THE AREA TWO PUD (TETON VILLAGE EXPANSION) OF THE TETON VILLAGE PLANNED RESORT DISTRICT

PROJECT LOCATION:
FOUR SHADOWS LLC TRACT
SOUTH OF GRANITE LOOP ROAD & EAST OF SNAKE RIVER LODGE AND SPA AND LYING WITHIN GOVERNMENT LOT 3, SECTION 24, T.42N., R.117W. 6TH P.M. TETON COUNTY, WYOMING

APPLICANT & OWNER:
FOUR SHADOWS LLC
5700 SNAKE RIVER RANCH ROAD
WILSON, WYOMING 83014
(307) 733-2864

Prepared By: ALB, FPR
Map Prepared: November 16, 2017
Project No.: 06095.B1.30

Supplement to application BUP2017-00059

The following provides additional information to support the application for a Basic Use Permit for 4 years of temporary staging and construction material storage in Teton Village at a site on property of Four Shadows LLC south of Granite Ridge, which is currently in use under BUP2015-0065.

There is a substantial need for the construction staging at the Granite Ridge Site over the next 4 years. During the 4 year requested permit term, there are 4-7 projects anticipated within Area 1 of the Teton Village Resort Zone that would require staging and construction materials storage.

- Jackson Hole Mountain Resort - Mountain improvements including lifts and various facilities (2018, 2019, 2020, 2021)
- Zaist Construction – Caldera House completion, plus improvements planned to Caldera property (2018, 2019)
- Shaw Construction – Granite Ridge lot (2018-2020)
- Dembergh Construction – Granite Ridge Lot (2018-2019)
- Lot 224/225 – for sale with anticipated development (Spring 2019 to 2022)
- Tract H – for sale with anticipated development (Spring 2019 to 2022)

Without permitted staging within Teton Village, each of these projects would require multiple and repeated daily trips back and forth from as far as south Highway 89 off of the Highways 89-22-390 corridors for purposes of hauling construction material to the construction site. These trips would involve large and heavy trucks and other construction equipment.

It is probable that several of these projects will be ongoing at the same time within the next 4 years. Therefore, allowing construction storage and staging within Teton Village for these projects is a clear opportunity for substantial traffic reduction, especially on Highways 390 and 22.

Lacking a materials storage and construction staging area for the Teton Village Area 1 projects, individual construction firms would be put in the position of finding staging at a distance from Teton Village. In the case of the Jackson Hole Mountain Resort's upcoming infrastructure and facility improvements, JHMR would be forced to use portions of their parking areas for staging and materials storage, reducing needed parking use for locals and visitors.

Without a storage and materials staging area for these Area 1 projects:

- Excavated dirt would be hauled off site, often to south of the Town of Jackson.
- That same or similar material (topsoil and landscaping boulders) would then be hauled back to the site for final reclamation and landscaping.
- Lumber, stone, drywall and other exterior materials needed for vertical construction would be trucked to the site with multiple trips each week or even daily deliveries, depending on the multiple, concurrent projects.
- Dirt and boulders needed for eventual landscaping would be hauled in multiple trips rather than supplied from stored material onsite.

Some comments recently received from neighbors on this application for a temporary use permit have proffered a conjecture that there are alternative locations for construction staging and laydown needs within Teton Village, pointing especially to sites adjacent to workforce housing, in the Village Core of the Area 2 Teton Village Resort Zone or within the Area 2 Exaction parcel. Suppositions have also asserted mistakenly that ranchlands could be used.

The Teton County Land Development Regulations do not require the County to analyze potential alternative sites as a condition to issuing a Basic Use Permit. **The Wyoming Supreme Court confirmed that the County does not need to analyze alternative sites as a condition to issuing a Basic Use Permit in its 2017 decision.** Teton County was successful in defending itself against a lawsuit filed by this same objector – at considerable expense to County taxpayers for two court challenges in State District Court as well as ultimately in the Wyoming Supreme Court. Four Shadows also incurred considerable legal expenses to confirm that the temporary use of the staging site is, indeed, lawful. Still and again the same objections are being made to the current application, despite the definitive Supreme Court ruling in favor of Teton County.

Even though analysis of alternative sites is not required to issue a Basic Use Permit, we offer this explanation as to why there are no other available sites:

- Much of the viewed ranchland acreage is in conservation easement and is primarily used for cattle ranching. These lands support considerable wildlife habitat and wildlife protection is the County's top and clear priority. Snake River Ranch is committed to ranching and conservation. Intensive, daily truck hauling back and forth is undesirable in proximity to ranchland animals, domestic or wild. Moose, elk, wolves, deer, fox and other wildlife are vulnerable to repeated, daily and concentrated large truck hauling on Highway 390 or interior ranch roads.
- Within Area 2 of the Teton Village Resort Zone there is a construction staging and storage area known as the Hay Meadows site, which is permitted for Area 2 needs. That site is at capacity and will be for several years to come. In other words, there is no additional space at the Hay Meadows site.
- To move the site that is the subject of the current application from the current location, which is well screened and tucked against the hill, would mean that everyone – the majority of Village residents, guests and employees – would see and be entirely impacted visually if it were centered within the area north of Apres Vous Road. Furthermore:
 - Those who have thus far expressed objection to the site would especially see a potentially moved site even more, as the angle of view would be widened considerably. If the site were moved to the current site of the horse concession, exaction parcel, adjacent to workforce housing or ranchlands – all of which have been listed as “alternative sites” – these objectors would see it entirely.
 - Respectfully it must be noted that these objectors to the current site purchased properties on a ridge for an aerial view, knowing that Teton Village was half-finished and more construction would be required for completing entitled lands below.
 - Shifting visual impacts and traffic impacts to full-time locals within Teton Village and along 390 is an especially burdensome move to more people than the handful of Granite Ridge owners who are residents of other states.

- There are inholdings within Grand Teton National Park that could be used for off-site staging, but that would increase pressure on vital parklands, the Moose-Wilson Scenic Corridor and put wildlife in front of heavy truck traffic. For all those reasons and more, this “alternative” would be unacceptable.

The permit we seek is for a temporary use. It is for a period of 4 years, which is not permanent. The requested permit is to authorize the site for construction staging for the fixed period of time of 4 years. Both the Teton County District Court and the Wyoming Supreme Court unequivocally held that a permit for a specific period of time satisfies the LDRs definition of a temporary use. The requested permit is necessary for the efficient buildout of Teton Village, is necessary to avoid even more congestion on Highways 390 and 22, and serves a pressing and immediate need.

EXHIBIT 4-2: AREA USE SCHEDULE

	Single-Family Sub-Tract	Townhouse Sub-Tracts	Village Core
Residential (see note)			
Conventional Single-Family	Y	Y	Y
Single-Family Subdivision	Y	Y	Y
Multi-Family Residential	N	Y	Y
Multi-Family Affordable	N	N	Y
Employee Units	Y	N	Y
Accessory Residential Unit	Y	N	Y
Home Occupation	Y	Y	Y
Mobile Home Park	N	N	N
Institutional Residential	N	C	C
Non-Residential Agricultural			
Agriculture	Y	Y	Y
Non-Residential Resort Recreational			
Horse riding, Polo	N	N	N
Skiing	Y	Y	N
Dog sled rides	Y	N	N
Fishing	Y	Y	Y
Heli-Ski port	N	N	N
Tennis	Y	Y	Y
Golf	N	N	N
Resort Support	Y	Y	Y
Non-Residential Institutional			
Institutional	N	C	Y
Utilities	C	C	C
Day Care Center, Group	N	N	Y
Non-Residential Commercial			
Restaurant/Bar	N	N	Y
Hotel/Condos w/support services	N	N	Y
Commercial Retail	N	N	Y
Office	N	T	Y
Local Commercial	N	N	Y
Nurseries	T	T	T
Construction Storage/Staging	T	T	T
Non-Residential Industrial			
Maintenance	N	N	N
Gravel processing	C	C	N

Y=Permitted By Right, C=Conditional Use, N=Not Permitted, T=Temporary Use, I=Included with Base Use.

Note: Only residential uses are permitted on the Single-Family Sub-Tract, Townhouse A Sub-Tract, Townhouse B Sub-Tract, Townhouse C Sub-Tract, and Townhouse D Sub-Tract located in the Teton Village South Residential Community, except as allowed by the above Area Use Schedule (Exhibit 4-2). Residential uses for the Single-Family Sub-Tract include home occupation, long-term rental, sales and management office and home uses (home business, family day care home, group day care home and cottage industry). Residential uses for the Townhouse A Sub-